

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2727

By Delegates Canterbury, Zatezalo, Cooper,
Campbell, Marple, Stephens, Kump, G. Howell,
Anderson, Linville, and Rohrbach

[Introduced February 24, 2025; referred to the
Committee on Education]

1 A BILL to amend and reenact §18B-2A-1 of the Code of West Virginia, 1931, as amended, relating
 2 to requiring one person of the West Virginia University Board of Governors and of the West
 3 Virginia State University Board of Governors to have a background in agriculture or in an
 4 agricultural field.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

§18B-2A-1. Findings; composition of boards; terms and qualifications of members; vacancies; eligibility for reappointment.

1 (a) Findings. {

2 The Legislature finds that the State of West Virginia is served best when the membership
 3 of each governing board includes the following:

4 (1) The academic expertise and institutional experience of faculty members and a student
 5 of the institution governed by the board;

6 (2) The technical or professional expertise and institutional experience of a classified
 7 employee or, as appropriate, nonclassified employee of the institution governed by the board;

8 (3) An awareness and understanding of the issues facing the institution governed by the
 9 board; and

10 (4) The diverse perspectives that arise from a membership that is balanced in terms of
 11 gender and varied in terms of race and ethnic heritage.

12 (b) Boards of governors established. {

13 A board of governors is continued at each of the following institutions: Bluefield State
 14 College, Blue Ridge Community and Technical College, Bridgemont Community and Technical
 15 College, Concord University, Eastern West Virginia Community and Technical College, Fairmont
 16 State University, Glenville State College, Kanawha Valley Community and Technical College,
 17 Mountwest Community and Technical College, Marshall University, New River Community and
 18 Technical College, Pierpont Community and Technical College, Shepherd University, Southern

19 West Virginia Community and Technical College, West Liberty University, West Virginia Northern
20 Community and Technical College, the West Virginia School of Osteopathic Medicine, West
21 Virginia State University, West Virginia University and West Virginia University at Parkersburg.

22 (c) Board membership. {

23 (1) An appointment to fill a vacancy on the board or reappointment of a member who is
24 eligible to serve an additional term is made in accordance with the provisions of this section.

25 (2) The Board of Governors for Marshall University consists of 16 persons. The Board of
26 Governors for West Virginia University consists of 17 persons. The boards of governors of the
27 other state institutions of higher education consist of 12 persons.

28 (3) Each board of governors includes the following members:

29 (A) A full-time member of the faculty with the rank of instructor or above duly elected by the
30 faculty of the respective institution;

31 (B) A member of the student body in good academic standing, enrolled for college credit
32 work and duly elected by the student body of the respective institution; and

33 (C) A member from the institutional classified employees duly elected by the classified
34 employees of the respective institution or, if the respective institution does not have classified
35 employees, a member from the institutional nonclassified employees duly elected by the
36 nonclassified employees of the respective institution.

37 (4) For the Board of Governors at Marshall University, 13 lay members appointed by the
38 Governor, by and with the advice and consent of the Senate, pursuant to this section;

39 (5) For the Board of Governors at West Virginia University, 12 lay members appointed by
40 the Governor, by and with the advice and consent of the Senate, pursuant to this section, and
41 additionally:

42 (A) The Chairperson of the Board of Visitors of West Virginia University Institute of
43 Technology;

44 (B) A full-time faculty member representing the extension service at the institution or a full-
45 time faculty member representing the health sciences, selected by the faculty senate.

46 (6) For each board of governors of the other state institutions of higher education, nine lay
47 members appointed by the Governor, by and with the advice and consent of the Senate, pursuant
48 to this section.

49 (A) Of the nine members appointed by the Governor, no more than five may be of the same
50 political party. Of the 13 members appointed by the Governor to the governing board of Marshall
51 University, no more than eight may be of the same political party. Of the 12 members appointed by
52 the Governor to the governing board of West Virginia University, no more than seven may be of the
53 same political party.

54 (B) Of the nine members appointed by the Governor, at least five shall be residents of the
55 state. Of the 13 members appointed by the Governor to the governing board of Marshall
56 University, at least eight shall be residents of the state. Of the twelve members appointed by the
57 Governor to the governing board of West Virginia University, at least seven shall be residents of
58 the state.

59 (7) In making lay appointments, the Governor shall consider the institutional mission and
60 membership characteristics including the following:

61 (A) The need for individual skills, knowledge and experience relevant to governing the
62 institution;

63 (B) The need for awareness and understanding of institutional problems and priorities,
64 including those related to research, teaching and outreach;

65 (C) The value of gender, racial and ethnic diversity; and

66 (D) The value of achieving balance in gender and diversity in the racial and ethnic
67 characteristics of the lay membership of each board.

68 (8) At least one person of the West Virginia University Board of Governors and of the West
69 Virginia State University Board of Governors shall have a background in agriculture or an
70 agricultural field.

71 (d) Board member terms. {

72 (1) The student member serves for a term of one year. Each term begins on July 1.

73 (2) The faculty member serves for a term of two years. Each term begins on July 1. Faculty
74 members are eligible to succeed themselves for three additional terms, not to exceed a total of
75 eight consecutive years.

76 (3) The member representing classified employees or, as appropriate, nonclassified
77 employees serves for a term of two years. Each term begins on July 1. Members representing
78 classified employees or, as appropriate, nonclassified employees are eligible to succeed
79 themselves for three additional terms, not to exceed a total of eight consecutive years.

80 (4) The appointed lay citizen members serve terms of four years each and are eligible to
81 succeed themselves for no more than one additional term, except that citizen members who are
82 appointed to fill unexpired terms are eligible to succeed themselves for two full terms after
83 completing an unexpired term.

84 (5) A vacancy in an unexpired term of a member shall be filled for the unexpired term within
85 30 days of the occurrence of the vacancy in the same manner as the original appointment or
86 election. Except in the case of a vacancy, all elections are held and all appointments are made no
87 later than June 30 preceding the commencement of the term. Each board of governors shall elect
88 one of its appointed lay members to be chairperson in June of each year. A member may not serve
89 as chairperson for more than four consecutive years.

90 (6) The appointed members of the boards of governors serve staggered terms of up to four
91 years except that four of the initial appointments to the governing boards of community and
92 technical colleges that became independent July 1, 2008, are for terms of two years and five of the
93 initial appointments are for terms of four years.

94 (e) Board member eligibility, expenses. {

95 (1) A person is ineligible for appointment to membership on a board of governors of a state
96 institution of higher education under the following conditions:

97 (A) For a baccalaureate institution or university, a person is ineligible for appointment who
98 is an officer, employee or member of any other board of governors within this state; an employee of
99 any institution of higher education within this state; an officer or member of any political party
100 executive committee; the holder of any other public office or public employment under the
101 government of this state or any of its political subdivisions; an employee of any affiliated research
102 corporation created pursuant to article 12 of this chapter; an employee of any affiliated foundation
103 organized and operated in support of one or more state institutions of higher education; or a
104 member of the council or commission: *Provided*, That if an appointee is an employee or board
105 member of an out-of-state higher education institution, there is no apparent conflict of interest
106 caused by the individual serving in both capacities. This subsection does not prevent the
107 representative from the faculty, classified employees or, as appropriate, nonclassified employees,
108 students or the superintendent of a county board of education from being members of the
109 governing boards.

110 (B) For a community and technical college, a person is ineligible for appointment who is an
111 officer, employee or member of any other board of governors within this state; a member of a
112 board of visitors of any public institution of higher education; an employee of any institution of
113 higher education within this state; an officer or member of any political party executive committee;
114 the holder of any other public office, other than an elected county office, or public employment,
115 other than employment by the county board of education, under the government of this state or
116 any of its political subdivisions; an employee of any affiliated research corporation created
117 pursuant to §18B-12-1 *et seq.* of this code; an employee of any affiliated foundation organized and
118 operated in support of one or more state institutions of higher education; or a member of the
119 council or commission: *Provided*, That if an appointee is an employee or board member of an out-

120 of-state higher education institution, there is no apparent conflict of interest caused by the
121 individual serving in both capacities. This subsection does not prevent the representative from the
122 faculty, classified employees or, as appropriate, nonclassified employees or students from being
123 members of the governing boards.

124 (2) Before exercising any authority or performing any duties as a member of a governing
125 board, each member shall qualify as such by taking and subscribing to the oath of office
126 prescribed by section five, article IV of the Constitution of West Virginia and the certificate thereof
127 shall be filed with the Secretary of State.

128 (3) A member of a governing board appointed by the Governor may not be removed from
129 office by the Governor except for official misconduct, incompetence, neglect of duty or gross
130 immorality and then only in the manner prescribed by law for the removal of the state elective
131 officers by the Governor.

132 (4) The members of the board of governors serve without compensation, but are
133 reimbursed for all reasonable and necessary expenses actually incurred in the performance of
134 official duties under this article upon presentation of an itemized sworn statement of expenses.

135 (5) The president of the institution shall make available resources of the institution for
136 conducting the business of its board of governors. All expenses incurred by the board of governors
137 and the institution under this section are paid from funds allocated to the institution for that
138 purpose.

NOTE: The purpose of this bill is to require one person of the West Virginia University Board of Governors and of the West Virginia State University Board of Governors with a background in agriculture or in an agricultural field.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.